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1955

August 16

Sept 22 1998

CONCORD, N.H.

Lawton B. Chandler, Secretary
State of New Hampshire Tax Commission
Concord, New Hampshire

Dear Sir:

In a letter of August 12, 1955 you noted that in R.L., c. 52, s. 5, (Municipal Budget Law), as amended, provision is made in case of emergency, for the expenditure by a town or village district of funds in excess of appropriations or for a purpose for which no appropriation has been made, and you referred to the following language found in said section:

"provided that no such certificate of emergency shall be granted unless the budget committee of the town has approved the expenditure."

You advise that in a case before the Commission it appears that a majority of the entire Budget Committee met, and that a majority of the meeting approved the expenditure with respect to which a certificate of emergency is sought. However, you add, the majority which voted in favor of the expenditure was less than the majority of the whole committee. You inquire whether such circumstances disclose approval of the expenditure by the Budget Committee within the meaning of the language quoted above. We answer in the affirmative.

An examination of the Municipal Budget Law discloses no provision prescribing the number of the members of the Budget Committee constituting a quorum. In such case the following statutory provision is applicable:

"Joint Authority. Words purporting to give a joint authority to three or more public officers shall give such authority to a majority of them, unless otherwise expressly declared." R.L., c. 7, s. 15.

In Opinion of the Justices, 98 N.H. 530 (1953) The Supreme Court was considering actions of the Executive Council. The principles enunciated, however, are believed to govern all parliamentary bodies, in the absence of contrary statutory directive. The Court said (532)